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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,747	02/15/2001	William R. Blair	ARIBP062	2174
21912 7590 09/10/2007 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER KESACK, DANIEL	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/783,747

**Applicant(s)**

BLAIR, WILLIAM R.

**Examiner**

Dan Kesack

**Art Unit**

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

1. Amendment filed June 14, 2007 has been entered and fully considered. Claims 1-20, 22-26 are currently pending. The rejections are as stated below.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-20, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy, U.S. Patent No. 6,260,024, in view of Chinnappan U.S. Patent Application Publication No. 2002/011187, and further in view of Riordan, U.S. Patent No. 6,078,891.

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Regarding claims 1-20, 22-24, see previous Office Action.

Regarding newly added claims 25, and 26, Shkedy discloses systems and methods for accepting purchase requirements for goods or services from buyers, said purchase requirement specifying the item required, the quantity required, requirement expiration date, along with other specified conditions, (column 5 lines 10-15) and aggregating individual purchase requirements into single pooled purchase requirements, making these pooled purchase requirement detail documents available to potential sellers via a website on the internet, and accepting bids from potential sellers to fulfill said pooled purchase requirements by supplying required goods or services (column 6, lines 3-7 and 15-20). Shkedy teaches a seller-bidding database which stores all information pertinent to a given transaction, and which is used to complete the transaction after an auction is complete (Column 10, lines 11-25).

Shkedy fails to teach generating a generic specification for requested goods, wherein for each group of functionally equivalent components, there is one unique number and a plurality of supplier generated numbers.

Riordan teaches a hierarchical numbering directory which assigns numbers based on the product class, and specific product properties, the result of which is a globally unique identifier (column 8 lines 17-61). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Shkedy to include the teachings of Riordan because Chinnappan teaches using a globally unique identifier, which a buyer may use to identify a product and to request

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information or additional transactions from the source of the product (paragraph 10).

Chinnappan further teaches that such a hierarchical method may be used for the cataloging of products by sellers and the matching of a buyer's demands to one or more products of one or more sellers (paragraph 23 lines 8-10), such as is performed according to the teachings of Shkedy.

### ***Response to Arguments***

4. Applicant's arguments filed June 14, 2007 have been fully considered but they are not persuasive.

Applicant argues that Riordan fails to teach functionally equivalent components that have "properties identical to the other components in the group or have properties that fall within a predefined range." Applicant presents Riordan's example of Nike and Adidas tennis shoes as evidence that Riordan does not teach the above limitation (see Remarks filed June 14, 2007, pages 8, 9). Examiner respectfully disagrees.

Examiner respectfully points out that the example of Riordan is presented as an illustration of the teaching, and can not be considered limiting.

Examiner further argues that the cited example exhibits Applicant's limitation, as claimed. The tennis shoes described in Applicant's example, are certainly "functionally equivalent" in that the differences may amount to brand name and/or color. Applicant's specification describes "functionally equivalent" as "having the same functional characteristic and specification". Examiner is of the opinion that two pairs of tennis

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shoes, even having different branding, may still be functionally equivalent. The newly added limitations of independent claims 1, 22, 25, and 26 require the components "have properties identical to other components in the group or have properties that fall within a predefined parametric range". The claim limitation does not require that every single property of the component be identical. These would be identical components, and not functional equivalent components. Certainly, the tennis shoes of the Riordan example have "properties which are identical" (they are both tennis shoes). Riordan teaches assigning UIDCs based on hierarchical categories, where it is clear that each hierarchical category can be said to group products based on "identical properties".

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

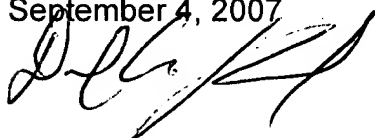
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted,

Daniel Kesack  
Art Unit 3691  
September 4, 2007



HANI M. KAZIMI  
PRIMARY EXAMINER